IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29479 of 1997

Between:

K. Srinivasa Rao, S/o Guruvulu,
R/o Gollalametla Village, Yeleswaram (M), E.G.Dist.

..... PETITIONER

AND

1 Govt. of AP, Industries & Commerce Rep by its Secretary,
Secretariat, Hyderabad
2 Director of Mines & Geology,
Hyderabad
3 Deputy Director of Mines & Geology,
Kakinada.
4 Asst.Director of Mines & Geology,
Rajahmundry.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Writ one in the nature of Writ of Mandamus declaring the action of the respondents in Procds. No. 3013/Q/97 dt. 17.9.97 rejecting the 1st renewal application of the petitioner for quarry lease for road metal over an extent of 1.00 Hect. in Sy.No207/1 of Goutuvaripalem Village, Addathegal Mandal, E.G.Dist. as arbitary, illegal unjust and unconstitutional and consequently direct the respondents to grant 1st renewal to the petitioner.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 29479 of 1997

ORDER:

By this writ petition, the petitioner seeks to declare the action of the respondents in rejecting his first renewal application for quarry lease for road metal over an extent of 1.00 hectare in Survey No.207/1 of Goutuvaripalem village, Addatheegala Mandal, East Godavari District,
by procds.No.3013/Q/97, dated 17-9-1997 on the ground that the said lease is violative of L.T.R. Rules, 1959, as arbitrary and illegal, and consequently to direct the respondents to grant renewal of the lease.

The learned Government Pleader for Industries and Commerce submitted that the subject matter of the writ petition is squarely covered by a Full Bench judgment of the Supreme Court of India in **Samatha v. State of Andhra Pradesh & Ors.** The operative portion of the said judgment reads as follows:

> "…Indisputably, any transfer *inter vivos* between tribals or non-tribals or *inter se* between non-tribals except testamentary disposition to a tribal, has been totally prohibited..."

Recording the above submission of the learned Government Pleader and following the above said judgment, the writ petition is dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 30-3-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of AP, Industries & Commerce, Secretariat, Hyderabad
2 Director of Mines & Geology,
Hyderabad
3 Deputy Director of Mines & Geology,
Kakinada.
4 Asst.Director of Mines & Geology,
Rajahmundry.

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